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UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSE FELIPE RUIZ; CARLOS AGUILAR  
RIVAS; MARCELINO HERNANDEZ;  
ALEJANDRO AGUILAR; RAMIRO  
HERNANDEZ PARRA; SALOMON GOMEZ;  
MAURO HERNANDEZ; HERIBERTO  
PAMAZ-LUCAS; ANTONIO HERNANDEZ;  
ANTONIO GONZALES; and ALEJANDRO  
GONZALES,

Plaintiffs,

vs.

ARMANDO VARGAS; JAVIER VARGAS;  
NOE VARGAS; EDITH R. SAUNO;

Defendants.

And related cross-action,

Case No.: 08-CV-01804PVT

**STIPULATION AND [XXXXXXXXXXXXX]  
ORDER TO DISMISS DEFENDANT  
ARMANDO VARGAS**

1 Plaintiffs JOSE FELIPE RUIZ, CARLOS AGUILAR RIVAS, MARCELINO  
2 HERNANDEZ, ALEJANDRO AGUILAR, RAMIRO HERNANDEZ PARRA, SALOMON  
3 GOMEZ, MAURO HERNANDEZ, HERIBERTO PAMAZ-LUCAS, ANTONIO  
4 HERNANDEZ, ANTONIO GONZALES, and ALEJANDRO GONZALES and Defendant  
5 ARMANDO VARGAS through Counsel hereby stipulate as follows:

6 1. On April 3, 2008, Plaintiffs filed their complaint against ARMANDO VARGAS.

7 2. On July 30, 2009, Defendant ARMANDO VARGAS filed for bankruptcy  
8 protection (Chapter 7) in the Northern District in an action titled *In re Armando Vargas Pena*  
9 *and Martina de Vargas*, case number 09-56214.

10 3. On July 1, 2010, The United States Bankruptcy Court of the Northern District of  
11 California, San Jose Division granted a discharge of ARMANDO VARGAS under section 727  
12 of title 11 of the United States Bankruptcy Code.

13 4. Consequently, IT IS HEREBY STIPULATED, by and between the above-named  
14 parties only that the claims and causes of action asserted by Plaintiffs in their Second Amended  
15 Complaint against Defendant ARMANDO VARGAS in the above-captioned action be and  
16 hereby are dismissed with prejudice pursuant to FRCP 41(a)(2).  
17

18  
19 **FOR PLAINTIFFS**

**DAL BON & MARGAIN**

20 DATED: November 4, 2010

By: //s// Tomas E. Margain  
**Tomas E. Margain**

21  
22 **FOR DEFENDANT**  
**ARMANDO VARGAS**

**FISHMAN, LARSEN, GOLDRING**  
**& ZEITLER**

23 DATED: \_\_\_\_\_

24 By: //s//Travis R. Stokes  
**Travis R. Stokes**

**ORDER**

Pursuant to the above-Stipulation between the above-named parties and for good cause shown, all claims and causes of action asserted by Plaintiffs against Defendant ARMANDO VARGAS are hereby dismissed with prejudice.

**IT IS SO ORDERED that the Second Amended Complaint be dismissed with prejudice against Defendant Armando Vargas.**

DATED: November 5, 2010



Hon. Patricia V. Trumbull  
UNITED STATES MAGISTRATE JUDGE